

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) Nos. 30-31 of 2020

IN THE MATTER OF:

Pravin Blaggan

...Appellant

Vs.

Goa Auto Accessories & Anr.

...Respondents

Present: For Appellant: - Mr. Dhaval Mehrotra and Mr. Sudhanshu Sikka, Advocates.

For Respondents: - Mr. R. Sudhinder, Ms. Ekta Bhasin and Ms. Shreya Singh, Advocates.

O R D E R

10.01.2020— In view of the fact that two of the Hon'ble Members of the Adjudicating Authority differed on an issue and the third Hon'ble Member passed final order on 12th December, 2019, we hold that the appeal is well within time and not barred by limitation. The earlier order stands merged with the final order passed on 12th December, 2019. I.A. Nos. 92-93 of 2020 stand disposed of.

Issue notice on Respondents. Mr. R. Sudhinder, Advocate appears on behalf of Liquidator and the 'Corporate Debtor'. No further notice need be issued to him. He may file reply affidavit within a week.

Contd/-.....

From the record we find that out of the three Hon'ble Members, majority decision of the two Hon'ble Members are against the Appellant.

Prima Facie, at the stage of final liquidation i.e. sale of assets, no party including the licensee has any right to hold the land.

However, we intend to give an opportunity of hearing to the Appellant on this issue.

Post the case 'for admission (fresh case)' on 13th January, 2020.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/g